

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

2014 MAY 30 P 1:12

CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA

AMIR JAVED,

Plaintiffs

v.

JOHNSON & FREEDMAN, L.L.C.

1587 N.E. Expressway
Atlanta, GA 30329,

Defendant

Civil Action No.

1:14CV043

LOG/JFA

NOTICE OF REMOVAL

The Defendant Johnson & Freedman, L.L.C., by and through its undersigned Counsel hereby files this Notice of Removal of the above captioned action in the United States District for the Easter District of Virginia from the Circuit Court of Arlington County, Virginia pursuant to 28 USC 1331, 1367, 1441 and 1446. and in support thereof states as follows:

1. On or about November 26, 2013, Plaintiff filed his Complaint in the Circuit Court for Arlington County, Virginia. Plaintiff's Complaint is attached hereto as **Exhibit A**.
2. On December 4, 2013, upon the Plaintiff's request, Summons was issued by the Court for Johnson & Friedman, L.L.C.
3. On March 11, 2014 Plaintiff attempted to serve the Summons issued for "Johnson & Friedman, L.L.C." on CT Corporation. However, as "Friedman & Johnson, L.L.C." does not exist as an entity; CT Corporation could not accept service on behalf of a non-existent entity.

4. Defendant Johnson & Freedman, L.L.C. was subsequently served with process of Plaintiff's Complaint on May 12, 2014. As such, the instant Notice of Removal is being filed within the 30 day period prescribed by 28 USC 1446(b).

GROUND FOR REMOVAL (FEDERAL QUESTION)

5. As set forth in the Complaint, Plaintiff alleges claims that the Defendants engaged in acts or omissions that violated the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* ("FDCPA"). (Compl. ¶¶ 9-27).

6. Therefore, federal question jurisdiction exists over Plaintiff's claims under 28 U.S.C. § 1331 because the resolution of Plaintiff's claims will require adjudication of disputed questions of federal law.

7. Plaintiff does not allege any other claims under state common law, state statute or any other nonfederal claims.

8. To the extent the Complaint is somehow construed to allege any other claims based on state statutes or common law, because the FDCPA claims arise under the laws of the United States, removal of this entire action is therefor appropriate under 28 U.S.C. § 1441(a)-(c).

CONSENT OF DEFENDANTS

9. Johnson & Freedman, L.L.C. is the only Defendant to this action and thus there are no other Defendants that need to consent to the removal under 28 U.S.C. § 1446 (b)(2)(A).

PROCEDURAL COMPLIANCE

10. Pursuant to 28 USC § 1446(a), copies of process, pleadings and orders served upon this Defendant are attached as **Exhibit A**.

11. Pursuant to 28 USC § 1446(a), copies of process, pleadings and orders served upon the Plaintiff by this Defendant are attached as **Exhibit B**.

12. As required by 28 USC § 1446(d), Defendant Johnson & Freedman, L.L.C. will give written notice to Plaintiff of the filing of this Notice of Removal and will file a copy of the Notice of Removal with the Circuit Court for Arlington County. Additionally, simultaneously herewith, Defendant Johnson & Freedman, L.L.C. is filing with this Court, a Certification of Filing of Notice of Removal in State Court.

13. Pursuant to Local Rules of this Court the Defendant has filed contemporaneously with this Notice of Removal copies of all records and proceedings from the Circuit Court for Arlington County.

14. Pursuant to the Local Rules of this Court, Defendant Johnson & Freedman, L.L.C. will file within seven (7) days with this Court a Disclosure of Affiliations and Financial Interests.

15. Pursuant to Rule 81(c)(2) of the Federal Rules of Civil Procedure, Defendant Johnson & Freedman, L.L.C. will file within seven (7) days, with this Court, its Answer to Plaintiff's Complaint.

NOTICE OF REMOVAL TO THE CIRCUIT COURT OF ARLINGTON COUNTY

16. Concurrently with this Notice of Removal, Defendant Johnson & Freedman, L.L.C. will file a copy of this Notice with the Circuit Court of Arlington County, Virginia. A copy of the written Notice of the Notice of Removal to Federal Court is attached hereto as **Exhibit C.**

17. In accordance with 28 U.S.C. § 1446(d), this Defendant will give written notice to Plaintiff by contemporaneously serving the Notice of Removal on Plaintiff's counsel.

18. If any questions arise to the propriety of the removal of this action, Defendant respectfully requests the opportunity to present a brief and oral argument in support of its position that this case is removable.

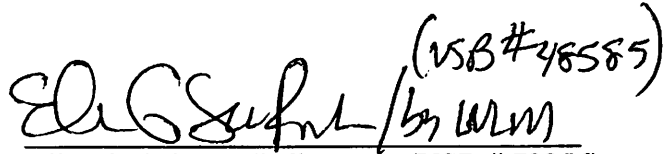
WHEREFORE, Defendant Johnson & Freedman, L.L.C. requests that this action be removed to this Court from the Circuit Court for Arlington County, Virginia and that it proceed in this Court as an action properly removed.

Respectfully Submitted,



William L. Mitchell, II (VSB #48585)

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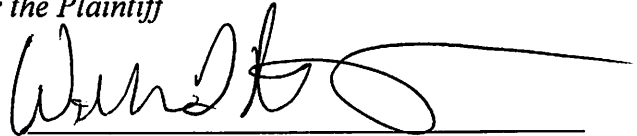
Elias G. Saboura-Polkovotsy (VSB # 72256)

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Attorney for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of May 2014 a copy of the foregoing Notice of Removal to United States District Court for the Eastern District of Virginia was mailed, first class, postage prepaid to:

Earnest P. Francis, LTD
1655 North Fort Myer Drive
Suite 700
Arlington, Va. 22209
Phone: 703-683-5696
Fax: 703-683-2785
Attorney for the Plaintiff

A handwritten signature in black ink, appearing to read 'William L. Mitchell, II', is written over a horizontal line.

William L. Mitchell, II (VSB #48585)
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